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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dany PRIETO

Confirmation No. 3419

Appln. No. : 10/069,614

Group/Art Unit: 3727

Filed : September 10, 2002

Examiner: H. A. Grosso

For : THE DEVICE FIXING IN A CONTAINER SUCH AS A METAL CAN
DEVICE AUTOMATICALLY EXTRACTING THE STRAW AND ITS
ASSOCIATED DEVICE

REQUEST FOR REFUND

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop 16
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Sir:

Applicant respectfully request a refund in the amount of \$ 395.00 for payment of the fee for filing a Request for Continued Examination (RCE) on August 28, 2006.

The basis of this Request for Refund is that Applicant improperly filed the RCE after a non-final Office Action. In response, Applicant received notice from the USPTO that the RCE filed in reply to a non-final Office Action, was improper.

As Applicant did not obtain entry and consideration of the RCE, Applicant requests payment of the refund be made to Deposit Account No. 19-0089.

Respectfully submitted,
Dany PRIETO

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Reg. No. 28,394

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Reg. No. 35,043

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/069,614
Filing Date	September 10, 2002
First Named Inventor	D. PRIETO
Group Art Unit	3727
Examiner Name	H.A. Grosso
Attorney Docket Number	P22036

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000) which established RCE practice.

1. Submission required under 37 C.F.R. §1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously Filed on _____
- iii. ☐ Other: _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS), PTO-1449 Form and References cited.
- iv. ☒ Request for Extension of Time
- v. ☐ Other: _____

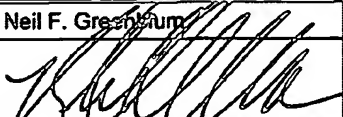
2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other: _____

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☒ Check in the amount of \$ 905.00 enclosed.
- b. ☒ If payment in the appropriate amount is not enclosed, the U.S. Patent and Trademark Office is hereby authorized to charge any fees required by this paper, including the RCE fee required under 37 C.F.R. §1.17(e), any extension of time fees (37 C.F.R. §§ 1.136 and 1.17) necessary to render the RCE timely, and any suspension fee or credit any overpayments, to Deposit Account No. 19-0089

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Neil F. Greenbaum	Registration No. (Attorney/Agent)	28,394
Signature		Date	8/25/06
		Robert W. Mueller	Reg. No. 35,043

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as a first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop RCE, PO Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)		Date	
Signature			

Adjustment Date: 11/07/2006 SDENB081
08/29/2006 JAD001 00000056 10069614
01 FC:2801 395.00 DP

Repln. Ref: 11/07/2006 SDENB081 0014244500
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